

**REMARKS**

**Claim Rejections - 35 USC §102**

Claims 1-10 and 14-25 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2003/0135325, Levine, et al (hereinafter Levine).

With respect to claim 1, the Office asserts that Levine shows an apparatus comprising at least one processing component configured to process data indicative of the current posture of said apparatus for enabling a posture related presentation of information to a user via an output component, said processing including selecting one of at least two different modes of operation based on said data magnetometer. The Office makes specific reference to Figure 1, element 110, and paragraph [0073] of Levine.

Claim 1, as previously amended, does not recite a data magnetometer, but does set forth that the processing includes selecting one of at least two different modes of presentation based on said data, the data being indicative of the current posture of said apparatus.

Claim 1 of the present application requires that one of at least two different modes of presentation is selected based on data indicative of the current posture of an apparatus for enabling a posture related presentation to a user. This is seen in an embodiment of the invention illustrated in Figures 1-3 by way of example, where Figure 1 shows a first mode of presentation in what is sometimes referred to as a "traditional compass" presentation that is selected when the apparatus is aligned basically horizontally. A second mode of presentation is seen in either Figure 2, which is a "marine compass" presentation, or Figure 3, which is a simple arrow-based mode of presentation, that is selected when the apparatus is not aligned basically horizontally.

It is respectfully submitted that the Office fails to show any disclosure in Levine that makes a link between available "data indicative of the current posture of an apparatus" and a "selection of a mode of presentation" as required by claim 1. Paragraph [0073] of Levine discloses a low-cost navigation system comprising an

inertial navigation system (INS) and a global positioning system (GPS) receiver. Levine discloses evaluating data from different data sources, including a 3-Axis magnetometer, but this evaluation is only performed for "selecting and extrapolating only the best from each of the individual data sources, ..." (Levine, paragraph [0073], lines 13-15). Thus, the data indicative of the current posture of an apparatus is only disclosed so as to be used for selecting at least one of different data sources. There is no disclosure and no suggestion that the data from the 3-Axis magnetometer could be evaluated for selecting one of at least two different presentation modes.

Furthermore, in response to the Response to Arguments section, the Office contends that the claim limitations do not exclude user selection of the presentation of information. Applicant respectfully disagrees. Claim 1 states: "said processing including selecting one of at least two different modes of presentation based on said data where the data," where the data is "indicative of the current posture of said apparatus for enabling a posture related presentation of information to a user via an output component". Thus, claim 1 does not encompass user selection of the mode of presentation, but rather requires the mode of presentation to be based upon the data which in turn is indicative of the current posture of said apparatus. Therefore, it is respectfully submitted that user selection of a mode of presentation is not encompassed in claim 1.

Although not specifically relied upon by the Office in the final Official Action, paragraph [0102] of Levine, which recites selection of one of different operational modes by a user via a keypad, does not anticipate or suggest claim 1. Thus, in paragraph [0102] of Levine, keypad 210 "may be used to select from various operational modes, enter or select waypoints and routes, select map scale, security code, flight and/or tail number, etc." (Levine, paragraph [0102], lines 8-11). Even this user selection does not disclose selection of operational modes based on "data indicative of the current posture of an apparatus" as required by claim 1. Therefore, user selection of an operation mode is not anticipatory or suggestive of a processing component selecting one of at least two different modes of presentation based on data which in turn is data indicative of the current posture of said apparatus.

Furthermore, in paragraph [0082] of Levine, it is stated that map information "may be visually shown on a moving map display" (Levine, paragraph [0082], line 9), but this only relates to a single mode of presentation and therefore does not disclose or suggest a selection of one of different modes of presentation based on data indicative of the current posture of an apparatus as required by claim 1.

Finally, paragraph [0104] of Levine discloses two-dimensional and three-dimensional displays that are user selectable. However, such user selection is clearly not related to any data indicative of the current posture of the craft in which the system of Levine is implemented.

It is therefore respectfully submitted that claim 1 is not anticipated or suggested by Levine.

Independent method claim 15, independent mobile electronic system claim 24, and independent apparatus claim 25 all recite features corresponding to those set forth in claim 1 and for similar reasons are not anticipated by Levine.

Dependent claims 9-10, 14, and 16-23 are also not anticipated by Levine at least in view of such dependency.

### **Claim Rejections - 35 USC §103**

At pages 7-8, claims 11-13 are rejected under 35 USC §103 as unpatentable over Levine in view of US patent application publication 2002/0140745, Ellenby, et al (hereinafter Ellenby).

Claims 11-13 all ultimately depend from claim 1 and are believed to be allowable at least in view of such dependency.

In view of the foregoing, reconsideration of the rejection of the claims in the present application is requested and early notice of allowance is respectfully requested.

The undersigned respectfully submits that no fee is due for filing this Request for Reconsideration. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Dated: April 18, 2008

---

Alfred A. Fressola  
Attorney for Applicants  
Registration No. 27,550

WARE, FRESSOLA, VAN DER  
SLUYS & ADOLPHSON LLP  
Building Five, Bradford Green  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955